

RESIDENTIAL CHILD CARE LICENSING ADVISORY COMMITTEE MEETING MINUTES

14 January 2016
Highland Plaza Building, Room 306
3760 South Highland Drive
Salt Lake City, UT

Members Present: None.

Members Excused: Dale Smith, Ilse Wilson, Jessica Goodman, Becky Lageschulte, Joni Hemond, and Julie H. Shakib.

Members Absent: None.

Department of Health and Child Care Licensing Staff Present: Marc E. Babitz, Teresa Whiting, Simon Bolivar, Carolyn Christensen, Karrie Phillips, Jessica Strout, Kim Rice, Joyce Hasting, Sarah Atherton, Kathleen Sanders, Donna Thomas, JoLene Holbrook, and Austin Roy.

WELCOME

No members of the committee were present. Simon Bolivar, Child Care Licensing Administrator, welcomed the Department of Health staff and those from the public who were in attendance. Meeting commenced at 10:30 a.m.

APPROVAL OF MINUTES

No minutes to be approved. Minutes from the November meeting were approved via email.

AGENCY AND COMMITTEE REPORTS

Child Care Licensing – Simon Bolivar

- New Regional Manager
 - The South Region Manager, Karrie Phillips, has left the Child Care Licensing program to go work for the Office of Child Care. She is being replaced internally by Kimberly Rice, who has served as a licensor in the Child Care Licensing North Region. Congratulations Kim.
- The Rule Interpretation Manual update has been delayed this year due to the fact that we are in the midst of rule changes that will impact the content of the manual. Thus, in order to have a more up-to-date manual, licensing has decided to delay the rollout of the new Interpretation Manual.

Care About Childcare – Jo Ellen Robbins

- New Childcare Law
 - Care About Childcare is currently working on interpreting the new childcare law and regulations that were signed into place by President Obama (October).
 - Public comment period is currently open for the OCC plan for the new Childcare Law and Regulations, and hearings will be held on January 29, 2016 at the OCC offices for those wishing to make comment. Also, comments can be submitted via online.

NEW BUSINESS

Public Comments Received

- AHA Comments to R430
 - Comments received from the American Heart Association, but not directly related to the rules being processed.
 - The document, received as public comment, which covers various topics, including: recommendation to make water available at all times, limiting juice and sugary drinks, and limiting screen time (all electronic devices, not just TV).
- CACFP Rule on Water Consumption
 - A document, received as public comment, that addresses the importance of making water available to children at all times.
- Public Comments
 - School age is considered 5 years and older. A comment was received regarding the supervision of school age children going to the bathroom, and if a room with 3 toilets is appropriate. It was clarified that 5 year olds can and should go to the bathroom alone and are to be given privacy. Thus, it okay to use the bathroom with 3 toilets, but only one school age child may go at a time because of the privacy requirement.

New Interpretation Manual – Joyce Hasting

- Joyce reviewed the changes that have been made to the interpretation manual (copies will be provided once the rule changes have been approved).
- The interpretation manual features a new heading called “assessment”, which describes how a rule should be assessed and enforced.
- Joyce clarified the areas that will be assessed (assessed being defined as inspecting an area accessible to children).
 - Locked rooms are only quickly viewed (peek through the door) to see if there are illegal items or children hidden inside.
- The outdoor play area, and equipment, is to be assessed at announced inspections; even if the facility has no play equipment in the outdoor play area.
- Definitions
 - A “flat surface” is now defined as any horizontal surface.
 - The definition of Mary-go-rounds has been redefined to include a wider range of equipment.
- Flaking paint on a wall is to be assessed per area of the wall.

- Whenever a city has rules/regulations that are stricter than those of CCL, providers must comply according to the stricter rules.
- Fences are to be measured from the side that children play on.
- Tetherballs are not considered a strangulation hazard.
- Standing water is not defined as a naturally occurring puddle on the ground, but as water that is collected in items on the premises.
- Grass growing into cushioning affects the cushioning and it would no longer be considered cushioning.
- Whenever 2 types of cushioning are used, the stricter one is to be assessed.
- If someone is required to have 12 inches of cushioning, they will not be written up as long as they have over 9 inches; at least nine inches will be good enough.
- Emergency phone numbers need to be posted in a conspicuous spot.
- It was clarified that First Responders are CPR trained.
- Health assessments must always be signed on the same side.
- Toilet paper not accessible from a toilet is a level 3 finding.
- Frozen breast milk is considered prepared once it comes out of the freezer.
- All Interpretation Manual updates will be highlighted in green.
- Regarding connectors such as S hooks on playgrounds: if the opening is greater than .04 inches, then the connector is considered a strangulation hazard.

New Proposed Rule Changes

- Home childcare definitions redefined:
 - Caregiver – is an individual who provides direct care to children.
 - Provider – the licensee or certificate holder.
- Pre-service training, new requirement for caregivers:
 - Each caregiver will now be required to take 2.5 hours of pre-service training (meaning new caregivers and/or volunteers).
- First Aid and CPR requirements
 - To be trained to all staff members (caregivers and providers), but only one person is required to be certified.
- Outside time for children in care
 - Licensed facilities “...shall include a daily opportunity for outdoor play, weather permitting”.
 - Residential Certificate holders are not required to have outdoor play because they are not required to have an outdoor area as part of their facility, and it may be more dangerous for them to go to an outdoor play area as it is not a part of their facility.

Five Years of Inspection Results for Public Access

- The Federal Office of Child Care is now requiring all findings from the past 5 years to be posted online. All cited and substantiated findings are public record. Previously, only the last 2 years of findings were posted online, but now that range has been widened to 5 years. As far as the types of findings being posted, nothing has changed; the only difference from before is that a broader range of time is being posted online.

- Exempt providers and new providers will only have one year of records (not 5 years like other facilities) being displayed because they have no past records.
 - When someone searches for a provider's records, there will be language used to clarify that some providers have not been around as long as other providers, and thus there are not 5 years of records to pull.
- Deaths and accidents to be included.
 - Accidents are only to be reported if medical attention is required (these are the only types of accidents that will show on a providers record).

PUBLIC COMMENT

Proposed Rule Change: Regarding the transportation of children to and from school; is there a way to get the ratio rule changed, or an exception made, while providers transport children to and from school?

- In the past, the provider appealed and submitted a variance request to be over ratio while she transports children to school. However, she was denied because she was told that it would be a fire hazard to be over ratio.
- The provider mentioned that there are 8 other home providers in her area who also do transportation to and from school.
- Simon clarified that a provider is allowed to transport within the rules. For example, if a provider is going to transport and is leaving children at home, then they need to make sure that there is a proper caregiver to child ratio while they are out. If a single caregiver is left with more than 8 children, then the provider/facility would be out of ratio while the other caregiver is transporting children. The maximum number of children a single caregiver is permitted to watch over at a given time is 8 children, anything over that would be considered out of ratio.
- Dr. Marc Babitz asked if there is a variance or a period of time where a provider can be out of ratio, and if there is an exception for emergencies (i.e. a provider has to take a child to the hospital), or if a caregiver calls in sick?
 - Simon explained the difference between a daily practice, and an unforeseen circumstance. In unforeseen circumstances (i.e. emergency trip to the hospital, or caregiver calling in sick) it is okay to be out of ratio for a short period of time. However, if it is a daily practice for a facility to be out of ratio on a regular basis (i.e. transporting children to school), then being out of ratio is a violation and would be considered a finding according to licensing rules.
- The provider explained the difficulty in taking other children (who do not need to be dropped off or picked up from school) in the car while transporting in order to stay within ratio. For example, the provider explained that it can take over 30 minutes to get several children properly loaded into a vehicle, only to drive 5 minutes. Thus, the provider feels that an exception for ratios would help save time, and that all of the other kids not going to school would not have to be loaded into a vehicle.
- There is a 30 minute overlap between AM and PM classes which creates a dilemma for providers since there is no rule exception or variance in place to account for this time.
 - Child Care Licensing suggests that an extra caregiver can be present during the transport period to avoid ratio problems.

ASSIGNMENTS

Simon Bolivar

- Do other states have rules requiring outside time for children in care?

S. Bolivar adjourned the meeting at 11:35 a.m.

UPCOMING SCHEDULE 2016

March 10, 2016

May 12, 2016

July 14, 2016

September 8, 2016

November 10, 2016

Highland Plaza Building
3760 S. Highland Dr.
Salt Lake City, UT
3rd Floor Auditorium
10:30 a.m. to 12:30 p.m.

Anyone with a disability requiring accommodations to attend or fully participate in this program should contact Austin Roy at (801) 273-2904 or via email at aroy@utah.gov to request reasonable accommodations.